

**RESPONSE TO OFFICE ACTION****"Portable Tree Stand Having Seating and Standing Platforms Adjustable to the Tree Angle"**

Serial No. 10/644,437

Atty. Docket No. 030717.002

Page 11 of 12

**REMARKS****1. Rejection of Claims 1-20 under 35 U.S.C. 112**

- 5           The Office Action rejects claims 1-20 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

***Antecedent Basis for "The Seating Platform Assembly"***

- Applicant appreciates Examiner's thorough review of the claims and realizes that the claims should have read "the seating SUPPORT assembly" instead of "the seating PLATFORM  
10 assembly." Claims 1, 9, and 15 are currently amended to correct this error.

***Multiple Proximal & Distal Ends***

- Applicant has amended claims 1, 9, and 15 to distinctly identify each of the three sets of proximal and distal ends. The amended claims include a *retainer* proximal and distal end, a  
15 *structure* proximal and distal end, and a *post* proximal and distal end.

15

20

RESPONSE TO OFFICE ACTION  
"Portable Tree Stand Having Seating and Standing Platforms Adjustable to the Tree Angle"  
Serial No. 10/644,457  
Atty. Docket No. 030717.002  
Page 12 of 12

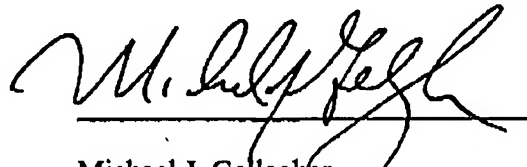
### CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. Allowance of the claims at an early date and issuance is solicited. If any question should arise with respect to the above amendments and remarks, or if it would in any way expedite the prosecution of this case, applicants' attorney would appreciate a telephone call at (614) 228-6280 ext. 17.

Respectfully submitted,

10/29/2004

10 Date

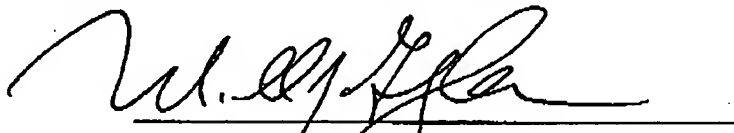
  
Michael J. Gallagher  
Gallagher & Dawsey Co., LPA  
(614) 228.6280 ext. 17

15

### CERTIFICATE OF FAX TRANSMISSION UNDER 37 CFR 1.8

I, undersigned, have transmitted the accompanying response by FAX to 703-872-9306 on October 29, 2004 at 3:30 pm to the United States Patent and Trademark Office.

20

  
Michael J. Gallagher